

REMARKS

Independent claims 1, 11, and 12 are amended above to specifically point out that the units of the item held by in-person shoppers are physically removed from inventory. Support is found in applicant's specification on page 2 lines 14 - 19. The item is clearly removed from stock by the in-person shopper, and put into a physical shopping cart. No new matter is entered. Such amending also overcomes the informality objection

As noted by the Examiner, this recitation in the claims defines over the existing combination of Tedesco and Miyazaki since the basic concept of Tedesco is that the items are held within the inventory of the (vending) machine.

Claims 1, 11, and 12 as amended above are therefore allowable and such allowance is respectfully requested. All of the remaining claims are dependent directly on allowable claim 1 and are therefore also allowable.

The Application is deemed in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707, 707.07(d) and 707.07(j) in order that allowable claims can be presented, thereby placing the

application in condition for allowance without further proceedings being necessary.

Respectfully submitted,

Dated: 01/19/05

By: John R. Pivnichny
John R. Pivnichny
Reg. No. 43,001

Telephone: (607)429-4358
Fax: (607)429-4119